

April 24, 2024

Your Honor,

Although it is still early in the season,
our Yankees are still holding their own.
However some Yankee fans are
booing.... Aaron Judge?

Unlike those fans, I am still
keeping the faith.

Willie

Judge Rakoff,

I respectfully request the Court, in its discretion, to reconsider my request for compassionate release based on the new facts and incidents described below.

I never reviewed or authorized the filing of an appeal on my behalf with the Court of Appeals. As I respectfully believe the Court is aware from prior submissions of my medical records, from March 3, 2023 through and including February 9, 2024, I was continuously in various medical facilities (Brooklyn Hospital, Mount Sinai Hospital and Windsor Nursing Home) having and recovering from 6 major surgeries (including heart surgery, the placement of three stents in my left leg, two hernia surgeries and a failed attempt to repair my right femoral artery). Due to the security policies of MDC Brooklyn during this period I was secured to a bed 24 hours per day, 7 days a week, with at least 4 correctional officers in the room with me 24 hours per day. Most importantly for the Court's consideration due to MDC's security policies I was not permitted a single confidential phone call or visit with any counsel nor was I permitted to send or receive e-mails. Moreover, I never received a draft of the appeal. For security reasons MDC Brooklyn maintains logs of all mail delivered to inmates outside of the prison. Given that I practiced law for over 30 years, I would never have requested such an important document affecting my ability to seek employment in my field to support my family to be filed without my review.

Since the date of my initial request for compassionate release (March 5, 2024) there have occurred new incidents which I respectfully believe may show the Court why, in its discretion, compassionate release may be granted so that I may obtain the medical attention urgently needed.

From March 21, 2024 until April 8, 2024, MDC Brooklyn was on " Lockdown " Because the jail was on " modified operations", I was confined to a cell 24 hours per day, 7 days per week. I have enclosed the notice I received from MDC Brooklyn regarding the Lockdown. During this time I had no access to medical staff or outside communications (no phone calls or computer usage). The harsh conditions of being confined in a cell 24 hours per day, 7 days a week, placed a tremendous strain on my physical and mental health. Because vascular surgeons believe that I face a potential loss of limb or life threatening aneurysm due to the blockage which remains in my right femoral artery, I still face at least one more major operation.

The Court may recall from my medical records while at the Windsor Nursing Home, Nurse Pena came in one morning and noticed severe swelling in my right leg resulting from a 6 hour operation two weeks earlier and had me immediately rushed to the emergency room at Mount Sinai Hospital. Doctors at Mount Sinai rushed into surgery for...six hours..to stop an infection from spreading though my body. Doctors at Mount Sinai made it clear to me that Nurse Pena's quicks response prevented the loss of my right leg . Constant lockdowns at MDC Brooklyn preclude this type of rapid response to medical emergencies.

Another incident at MDC also demonstrates that MDC Brooklyn cannot adequately address my myriad of health problems. On the evening of, Friday February 9, 2024 I was transferred from Brooklyn Hospital to MDC Brooklyn two days after an inguinal hernia surgery and stomach hernia surgery. During my release doctors at Brooklyn failed to provide me with any of my heart or vascular medications (I take 12 pills per day, including Atorvastatin, Clopidogrel, Sacubitril and Metoprolol) or pain medication to address the pain I was feeling from the two hernia surgeries. I was being given Percocet every 4 hours. Because it was the weekend and the doctors at MDC Brooklyn were out until Monday morning, I spent the weekend in my cell in tremendous pain and praying that I did not suffer a heart attack.

The inability of MDC Brooklyn to provide adequate health care to inmates such as myself has been noted by other judges in the Southern District. Most recently in January 2024, Judge Furman in U.S. v. Gustavo (22-CR-303) discussed the deficiency of proper medical attention at MDC Brooklyn stating "...the dockets of this Court and the Eastern District have been filled with cases in which defendants complain about near perpetual lockdowns...dreadful conditions and lengthy delays in getting medical care...." Judge Furman goes on to state that "It has gotten to the point that it is routine for judges in both this District and the Eastern District to give reduced sentences based upon the conditions of the confinement in MDC. Prosecutors no longer even put up a fight, let alone dispute the state of affairs, which is unacceptable."

In reviewing my request I also respectfully ask the Court to consider that I have already served approximately 80% of my designated sentence. Moreover due to my ongoing health crisis which has restricted me to spending all of my time in medical facilities and MDC Brooklyn, I have not been able to participate in prison sponsored programs which would have reduced the length of my incarceration. Some programs allow inmates to earn as much as 15 days per month off their sentence. If I had

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been able to fully participate, my full sentence would have been completed.

Given that my conviction related a to non-violent crime (threatening my former law partners) and I have never been convicted of any other crime over my 62 years(I am the oldest inmate in my unit), I humbly ask the Court to afford me compassionate release so that I may more effectively address my health care issues.

Given all the difficulties I have had communicating with counsel and the urgency of this request, I am representing myself in this request for compassionate release. Please advise me if there is any other information the Court requires or any other steps that Court requires me to take.

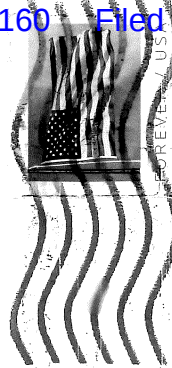
Respectfully submitted

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